

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHAD MCFARLIN,

Plaintiff,

v.

Case No. 2:16-cv-12536

District Judge Gershwin A. Drain

Magistrate Judge Anthony P. Patti

KEVIN DITTRICH,

THE WORD ENTERPRISES, L.L.C., *et*
al.,

Defendants.

ORDER DENYING PLAINTIFF'S JULY 13, 2017 MOTION (DE 42) and
DENYING AS MOOT DEFENDANTS' AND NON-PARTY HUNGRY
HOWIE'S PIZZA'S MOTIONS TO QUASH (DEs 47, 48)

A. Introduction

In Plaintiff's own words, this lawsuit alleges that "Defendants' Failure to Reasonably Reimburse Automobile Expenses Causes Minimum Wage Violations[.]" (DE 1 at 5.) Defendants are: (1) The Word Enterprises, LLC, (2) The Word Enterprises, Haslett, LLC, (3) The Word Enterprises Lansing, LLC, (4) The Word Enterprises Owosso, LLC, (5) The Word Enterprises Perry, LLC, (6) The Word Enterprises St. Johns, LLC, and (7) Kevin Dittrich.

Currently before the court are three discovery motions, each of which has been referred to me for hearing and determination:

- Plaintiff's July 13, 2017 motion to compel driver and ownership information, for supplemental class notice and certification period, and for costs (DE 42), regarding which a response and reply have been filed (DEs 55, 62)
- Defendants' July 21, 2017 motion to quash subpoenas issued by Plaintiff to third-parties (DE 47), in which non-party Magna Services, Ltd. has joined (DE 50) and regarding which a response and reply have been filed (DEs 63, 69)
- Non-party Hungry Howie's Pizza & Subs, Inc.'s motion to quash subpoena and for protective order (DE 48), in which non-party Magna Services, Ltd. has joined (DE 50) and regarding which a response and reply have been filed (DEs 65, 70)

(DEs 44, 49, 58.)

B. Discussion

A hearing was held on August 18, 2017, at which attorneys David M. Blanchard, Jeffrey S. Theuer, Patrick C. Lannen and Michelle Harrell appeared. After entertaining oral argument, the Court denied Plaintiff's July 13, 2017 motion to compel from the bench. The Court then took a brief recess, during which counsel for the parties were directed to discuss the motions to quash and the impact of the bench ruling upon the scope of the subpoenas in question. The Court reconvened, and, after some colloquy, Plaintiff's counsel withdrew the underlying subpoenas to Hungry Howie's Pizza & Subs, Inc. (DEs 47-1, 48-1) and Magna Services Group, Ltd. (DE 47-2), thus mooting out the motions to quash.

C. Order

Accordingly, for the reasons stated on the record, all of which are hereby incorporated by this reference as though fully restated herein, Plaintiff's July 13, 2017 motion to compel driver and ownership information, for supplemental class notice and certification period, and for costs (DE 42) is **DENIED**. The motions to quash (DEs 47, 48) are **DENIED AS MOOT**.

IT IS SO ORDERED.

Dated: August 21, 2017

s/Anthony P. Patti
ANTHONY P. PATTI
UNITED STATES MAGISTRATE JUDGE

Certificate of Service

I hereby certify that a copy of the foregoing document was sent to parties of record on August 21, 2017, electronically and/or by U.S. Mail.

s/Michael Williams
Case Manager for the
Honorable Anthony P. Patti